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9 JON PAUL SIMS, MICHAEL B. BAGLEY,  
10 and JEFFERY A. PFEIFFER, each individually,  
11 and on behalf of all others similarly situated

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 JON PAUL SIMS, MICHAEL B.  
16 BAGLEY, and JEFFERY A.  
17 PFEIFFER, each individually, and on  
18 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 METROPOLITAN LIFE INSURANCE  
22 COMPANY AND DOES 1 THROUGH  
23 100, inclusive,

24 Defendant.

Case No. 05 CV 2980 (TEH)

**STIPULATION TO CONTINUE  
HEARINGS; ~~PROPOSED~~ ORDER**

District Court Judge Thelton E. Henderson

1 WHEREAS, there are four motions currently pending before the honorable Judge  
2 Thelton E. Henderson, to wit: Plaintiffs' Motion for Summary Adjudication, Defendant's  
3 Motion for Summary Judgment, Plaintiffs' Motion For Class Certification, and Plaintiffs'  
4 Motion To Strike Defendant's Counterclaims;

5 WHEREAS, all four of the above described Motions are set for hearing on  
6 November 6, 2006 in the above-entitled Court;

7 WHEREAS, the parties have recently become engaged in potentially fruitful  
8 settlement discussions which appear to warrant a brief two (2) week continuance of the  
9 hearings to accommodate further such discussions;

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the  
11 parties that the hearings on Plaintiffs' Motion for Summary Adjudication, Defendant's  
12 Motion for Summary Judgment, Plaintiffs' Motion For Class Certification, and Plaintiffs'  
13 Motion To Strike Counterclaims shall be continued to November <sup>27</sup>~~20~~, 2006, or such  
14 earliest available date agreeable to the Court thereafter.

15 The parties shall notify the Court prior to Nov. 27, 2006, in the event of a  
16 settlement.

16 Dated: October 31, 2006

EDGAR LAW FIRM

17 By:   
18

Jeremy R. Fietz  
Attorneys for Plaintiffs

19 Dated: October 31, 2006

20 MORGAN, LEWIS & BOCKIUS LLP

21 By:   
22

Christopher Parlo  
Rebecca D. Eisen  
Attorneys for Defendant  
METROPOLITAN LIFE INSURANCE  
COMPANY

23  
24  
25 PURSUANT TO STIPULATION, GOOD CAUSE APPEARING, IT IS SO ORDERED.

26 Dated:

27 Thelton E. Henderson  
28



10/31/06

Case No. 05 CV 2980 (TEH)

HEARINGS, PROPOSED ORDER